

SENATE BILL 466

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F3

2003 Regular Session
(3r0643)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Judiciary --

Introduced by **Senator Colburn**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Caroline, Dorchester, and Talbot Counties -- Public Schools -- Use of Portable~~
3 ~~Phones~~
4 ~~Juvenile Law - Prohibition Against Possession of Portable Pagers on School~~
5 ~~Property - Repeal Applicability Repeal~~

6 FOR the purpose of ~~establishing that altering~~ *repealing* the prohibition against a
7 ~~person~~ possessing a portable pager on public school property ~~does not apply in~~
8 ~~Caroline, Dorchester, and Talbot counties to certain persons for certain portable~~
9 ~~phones; providing that in Caroline, Dorchester, and Talbot counties, a student~~
10 ~~may possess or use a portable phone on public school property, subject to certain~~
11 ~~conditions; defining a certain term to limit its applicability to Baltimore City;~~
12 ~~declaring the intent of the General Assembly; and generally relating to the~~
13 ~~possession and use of portable phones on public school property in Caroline,~~
14 ~~Dorchester, and Talbot counties.~~

15 BY repealing ~~and reenacting, with amendments,~~
16 Article - Education

1 Section 26-104
 2 Annotated Code of Maryland
 3 (2001 Replacement Volume and 2002 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Education**

7 ~~26-104.~~

8 (a) ~~[This] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THIS~~
 9 ~~section applies only in Baltimore City and [Caroline, Dorchester,] Somerset,~~
 10 ~~[Talbot,] Wicomico, and Worcester counties.~~

11 (b) (1) ~~In this section the following words have the meanings indicated.~~

12 (2) ~~"Portable pager" means any device carried, worn, or transported by~~
 13 ~~an individual to receive or communicate messages.~~

14 (3) ~~"PORTABLE PHONE" MEANS A WIRELESS TELEPHONE USED FOR~~
 15 ~~COMMUNICATION.~~

16 (4) ~~(3) "Public school property" means the grounds of any public school.~~

17 (c) ~~Except as provided in [subsection] SUBSECTIONS (d) AND (E) of this~~
 18 ~~section, an individual may not possess a portable pager on public school property.~~

19 (d) (1) ~~THIS SUBSECTION APPLIES ONLY IN CAROLINE, DORCHESTER, AND~~
 20 ~~TALBOT COUNTIES.~~

21 (2) ~~IN ACCORDANCE WITH THE POLICY OF THE COUNTY BOARD, A~~
 22 ~~STUDENT MAY:~~

23 (i) ~~POSSESS A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY;~~
 24 ~~OR~~

25 (ii) ~~USE A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY~~
 26 ~~BEFORE OR AFTER SCHOOL HOURS.~~

27 ~~[(d)] (E) This section does not apply to:~~

28 (1) ~~Handicapped students using portable pagers for medical reasons;~~

29 (2) ~~Law enforcement officers;~~

30 (3) ~~Visitors on public school property for an authorized program,~~
 31 ~~meeting, or function;~~

32 (4) ~~Faculty or staff members employed by a county board;~~

1 (5) Members of any volunteer fire department, ambulance company, or
2 rescue squad, who are designated to possess a portable pager on public school
3 property by the chief of the volunteer fire department, ambulance company, or rescue
4 squad, and the school principal; and

5 (6) Students whose portable pagers are contained in vehicles that are on
6 public school property and are not found to be connected with criminal activity.

7 ~~[(e)]~~ (F) If an individual violates subsection (c) OR (D) of this section, the
8 school authorities:

9 (1) On a first offense, may contact a law enforcement officer; and

10 (2) On a second or subsequent offense, shall immediately contact a law
11 enforcement officer.

12 ~~[(f)]~~ (G) A law enforcement officer contacted by school authorities in
13 accordance with subsection ~~[(e)]~~ (F) of this section:

14 (1) Shall immediately inquire as to the reasons the individual possesses
15 the pager; and

16 (2) May arrest the violator.

17 ~~[(g)]~~ (H) Any person who violates subsection (c) OR (D) of this section is
18 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500,
19 imprisonment not exceeding 6 months, or both.

20 SECTION 2. AND BE IT FURTHER ENACTED, That, ~~except as provided in §~~
21 ~~26-104 of the Education Article, as enacted by Section 1 of this Act, it is the intent of~~
22 ~~the General Assembly that local education agencies, working with the State~~
23 ~~Department of Education, develop their own local policies regarding the use of~~
24 ~~portable pagers and cellular telephones on public school property and, in enacting~~
25 ~~Section 1 of this Act, it is not the intent of the General Assembly to encourage the use~~
26 ~~of portable pagers and cellular telephones on public school property during school~~
27 ~~hours in any county.~~

28 SECTION 2. ~~3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
29 effect October 1, 2003.